

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 FEB 28 AM 10:10

Docket No.: RCRA-08-2009-0002

FILED
EPA REGION VIII
HEARING CLERK

In The Matter Of:)

Frontier Refining Inc.)
300 Morrie Avenue)
Cheyenne, Wyoming)
82007)

**FIRST MODIFICATION TO
CONSENT AGREEMENT**

Respondent.)

Complainant, the United States Environmental Protection Agency (EPA), and Respondent, Frontier Refining Inc., (Parties) entered into a Consent Agreement (Consent Agreement) in the above-referenced matter on May 27, 2010. Pursuant to Section D of the Consent Agreement, the Parties hereby execute this First Modification to Consent Agreement (First Modification), as detailed below:

1. Paragraph C.9., last sentence is amended to read as follows: "The Parties agree that regarding Surface Impoundment 2, removal of the existing liner and removal of sediments and subsoils, if any, between the synthetic liner and the clay liner, will commence no sooner than June 2, 2011."
2. Paragraph 11 (h) is amended to read as follows: "h. specification of procedures for visual inspection of clay liner to determine areas of sludge accumulation below the existing synthetic liner and removal of any impacted sediments and subsoils."
3. Paragraph 11(i) is amended to read as follows: "i. following completion of all tasks in the Closure Plan, removal of the remaining uncontaminated clay liner to facilitate tank foundation installation;"
4. Paragraph 11 (f) is amended to read as follows: "f. removal of the existing synthetic liner, subject to paragraph 11(k) below;"

5. Paragraph 13 is amended to read as follows: "The work activities in the closure plan shall include, at a minimum, procedures for waste testing, confirmation sampling and analysis, design and preparation of the tank base within the footprint of the current Pond 2, data collection methods, and quality assurance and quality control."
6. Paragraph 21 is amended to read as follows: "Respondent agrees to provide EPA seven (7) days oral notice and fourteen (14) days written notice prior to commencement of any field work, including but not limited to, waste removal, liner cleaning, and clay liner assessment."

The Parties agreed that in lieu of the installation of a new synthetic liner and reopening of Surface Impoundment 2 as contemplated by various provisions in Section C (Compliance Order) of the Consent Agreement, Respondent would submit, on or before January 20, 2011, a revised closure plan providing for the installation of an external floating-roof tank in the approximate location of existing Surface Impoundment 2. Complainant reviewed and approved Respondent's December 23, 2010 Closure Plan, as amended by Frontier's January 20, 2011 letter and January 27, 2011 email from Stu Fischbeck to Linda Jacobson.

All provisions of the May 27, 2010 Consent Agreement not expressly modified by this First Modification remain in full force and effect.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8, Office of Enforcement, Compliance
and Environmental Justice, Complainant.**

Date: _____

By: _____
Kelcey Land, Supervisor
Technical Enforcement Program

Date: _____


By: _____
David Rochlin, Supervisor
Legal Enforcement Program

Date: _____

By: _____
Brenda L. Morris, Attorney
Legal Enforcement Program

FRONTIER REFINING INC., RESPONDENT.

Date: 2/18/11

By: 
Kevin D. Burke
Vice President and Refinery Manager

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8, Office of Enforcement, Compliance
and Environmental Justice, Complainant.

Date: 2/24/11

By: Kelcey Land
Kelcey Land, Supervisor
Technical Enforcement Program

Date: FEB 25 2011

By: David Janik
David Janik, Supervisor
Legal Enforcement Program

Date: 2-24-11

By: Brenda L. Morris
Brenda L. Morris, Attorney
Legal Enforcement Program

FRONTIER REFINING INC., RESPONDENT.

Date: _____

By: _____